

VOLUME 6 SURVEILLANCE**CHAPTER 2 PART 121, 135, AND 91 SUBPART K INSPECTIONS****Section 40 Safety Assurance System: Inspect a Part 121 Certificate Holder's Use of Other Persons to Perform Maintenance, Preventive Maintenance, and Alterations on its Aircraft**

6-1096 REPORTING SYSTEM. Safety Assurance System (SAS). Use SAS automation and the associated Data Collection Tools.

6-1097 PURPOSE. This section provides information and national policy to Airworthiness aviation safety inspectors (ASI) for inspecting other persons performing maintenance, preventive maintenance, and alterations as provided in Title 14 of the Code of Federal Regulations (14 CFR) part 121, § 121.379(a).

A. Verification. The inspection verifies that:

- Other persons performing maintenance, preventive maintenance, and alterations must do so in accordance with the certificate holder's manual;
- The maintenance provider provides competent personnel and adequate facilities and equipment for the proper performance of maintenance, preventive maintenance, and alterations; and
- Each aircraft released to service is airworthy and has been properly maintained for operation under part 121.

B. Intentions. This section is for surveillance purposes. Do not use it for evaluating a certificate holder's contract maintenance arrangement, which is covered in Volume 3, Chapter 42, Section 1, Initial and Continual Oversight and Evaluation of Essential Maintenance and other Contract Maintenance Provider Programs and Contractual Agreements. Use this policy along with the SAS guidance and associated Data Collection Tools.

6-1098 GENERAL.

A. Maintenance Definition. The aviation industry uses many nonregulatory words and terms to describe a person who performs maintenance, preventive maintenance, and alterations for a certificate holder under the provisions of § 121.379(a) such as outsource/contract, emergency, vendor, and oncall. It is important that the ASI understand and use these words appropriately to prevent unintended changes to the regulatory meaning of the word maintenance. Other persons who perform maintenance for a certificate holder under the provisions of § 121.379(a) can be a certificated repair station, a noncertificated organization or company, or a certificated mechanic at an airport. Other persons can perform maintenance in locations such as in a hangar, on the line, or in a shop. Regardless of who performs maintenance for a certificate holder, the maintenance must be accomplished in accordance with part 121, the certificate holder's Continuous Airworthiness Maintenance Program (CAMP), and the certificate holder's manual. There should be no differences between maintenance performed by the certificate holder and maintenance performed for the certificate holder by another person.

NOTE: This section uses the terms “other persons” and “certificate holder” wherever appropriate because they are consistent with the regulatory language used in part 121 subpart L. The intended meaning of the word “person” is as stated in 14 CFR part 1 as an individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity. It includes a trustee, receiver, assignee, or similar representative of any of them.

B. Part 121 Regulations. All other persons, certificated or not, when used by a certificate holder to perform maintenance, preventive maintenance, and alterations on its aircraft including airframes, aircraft engines, propellers, appliances, emergency equipment, and parts thereof are governed by part 121 regulations as stated in § 121.1(b). With few exceptions, part 121 maintenance regulations apply regardless of who performs the maintenance, the type of arrangement made between the certificate holder and other persons, the kind and amount of maintenance performed, the location of the maintenance provider, and whether or not it is a certificated maintenance provider. The following sections note exceptions: § 121.361(b), which provides for the use of noncertificated persons outside the United States; § 121.377, which specifies duty time limitations for persons within the United States; and § 121.378, which provides an exception for certificates when using a repair station located outside the United States.

6-1099 AUTHORITY. The inspector performing this inspection should have a clear understanding of the authority needed to perform and approve maintenance for a certificate holder under part 121.

A. Approved Maintenance. Title 14 CFR part 43 provides general provisions and requirements for the performance and approval of all maintenance, preventive maintenance, and alterations on any aircraft having a U.S. airworthiness certificate. Part 43, §§ 43.3 and 43.7 provide a list of persons authorized to perform and approve maintenance, respectively. Both sections recognize the holder of an air carrier operating certificate as a maintenance entity and provide the authority to perform and approve maintenance as provided in part 121. However, §§ 43.3 and 43.7 also list other maintenance entities authorized to perform and approve maintenance. It is with these other maintenance entities that confusion sometimes arises over the authority to perform and approve maintenance on a certificate holder’s aircraft.

B. Authorization. Notwithstanding the authority granted to persons listed in §§ 43.3 and 43.7 to perform and approve maintenance, part 121 regulations (as stated in § 121.1(b)) govern each person used by a certificate holder under part 121 to perform maintenance, preventive maintenance, and alterations. Section 121.379 contains the authority needed to perform and approve maintenance in part 121. Section 121.379 authorizes the certificate holder to perform maintenance, preventive maintenance, and alterations as provided in its CAMP and its maintenance manual. It also provides for the certificate holder to make arrangements with other persons to perform maintenance, preventive maintenance, and alterations as provided in its CAMP and its maintenance manual. Section 121.379 does not specify the type of person that the certificate holder must use (e.g., certificated or not). Additionally, a certificate holder may perform these functions for another certificate holder as provided in the CAMP and maintenance manual of the other certificate holder.

C. Certificate Holder Authorization. While § 121.379 specifically provides for the use of other persons and other certificate holders to perform maintenance, it does not provide for the use of other persons to approve for return to service after they have performed maintenance. Notwithstanding the authority granted to persons listed in § 43.7 to approve maintenance, § 121.379 authorizes only the certificate holder to approve any aircraft, airframe, aircraft engine, propeller, or appliance for return to service after it or other persons have performed maintenance, preventive maintenance, or alterations.

6-1100 RESPONSIBILITY.

A. Certificate Holder. Title 49 of the United States Code (49 U.S.C) § 44702 recognizes the duty of an air carrier to provide service with the highest possible degree of safety in the public interest. No other certificate issued by the Federal Aviation Administration (FAA) recognizes this duty, including air agency certificates (14 CFR part 145 certificated repair stations). Additionally, § 121.363(a) states that each certificate holder is primarily responsible for the airworthiness of its aircraft (including airframes, aircraft engines, propellers, appliances, and parts thereof), and the performance of maintenance, preventive maintenance, and alteration of its aircraft (including airframes, aircraft engines, propellers, appliances, emergency equipment, and parts thereof). The responsibility imposed on the certificate holder includes the use of other persons who perform maintenance, preventive maintenance, and alterations for the certificate holder as noted in § 121.363(b). The certificate holder cannot delegate its responsibility to another person for the performance of maintenance, preventive maintenance, or alterations.

B. FAA. The FAA is responsible with safety oversight of certificate holders, including all other persons, certificated or not, used by the certificate holder to perform maintenance, preventive maintenance, and alterations. There should be no differences in the FAA oversight of a certificated maintenance provider and a noncertificated one. Aircraft maintenance, no matter who performs it or where, requires effective oversight.

6-1101 MAINTENANCE ARRANGEMENTS. The FAA recommends that certificate holders make all maintenance arrangements or agreements in writing. The certificate holder should specify in the agreement the work that they want the maintenance provider to perform. The agreement should include language necessary to ensure that the qualified maintenance provider accomplishes only the work that the certificate holder has authorized it to perform, and it must perform the work in accordance with the certificate holder's requirements stated in their manual. The policy and procedures portion of their manual should assign clear authority and responsibilities and outline procedures for their personnel to administer, control, and direct all contracted work.

6-1102 MANUAL. Section 121.133(a) requires each certificate holder to prepare and keep a current manual for the use and guidance of flight, ground operations, and management personnel in conducting its operations, including maintenance. The regulation provides that the certificate holder may prepare that part of the manual containing maintenance information and instructions, in whole or in part, in printed form or other form acceptable to the Administrator. Section 121.369(a) further requires that the manual include, among other things, a list of persons with whom the certificate holder has arranged for the performance of any of its required inspections,

other maintenance, preventive maintenance, and alterations, including a general description of that work.

A. Certificate Holder's Manual. The FAA recommends that the certificate holder arrange the required list of maintenance providers in their manual to identify providers that are certificated, are noncertificated, perform essential maintenance, perform scheduled maintenance, and perform unscheduled maintenance. The certificate holder should specify in its manual how it will select, qualify, authorize, and control a maintenance provider and the maintenance they perform to ensure that they perform it in accordance with the certificate holder's manual.

B. Current Manuals. Section 121.137(a)(1) requires each certificate holder to furnish copies of its manual or appropriate parts of the manual to maintenance personnel, which includes maintenance providers. Based upon the certificate holder's requirements, the inspector should verify that a maintenance provider has the manual or appropriate parts of the manual necessary to perform the authorized work. If a certificate holder furnishes only parts of its manual to a maintenance provider, the inspector should verify that the parts contain all of the information and instructions necessary for the maintenance provider to perform the work with a high degree of safety in accordance with the certificate holder's CAMP. The certificate holder should specify in its manual how it will control the manuals or parts of the manual issued to the maintenance provider and ensure that it is kept current.

6-1103 ORGANIZATION. Sections 121.365(a) and (b) require that both the certificate holder and each person with whom the certificate holder has arranged for the performance of maintenance, preventive maintenance, alterations, and required inspections have an organization adequate to perform the work.

A. Organization Extension. FAA policy states that when a certificate holder uses another person to perform maintenance, preventive maintenance, and alterations for it, that person becomes an extension of the certificate holder's organization (refer to Volume 3, Chapter 42, Section 1, paragraph 3-3845A). The policy is applicable to the authority needed by a person to perform maintenance, preventive maintenance, and alterations for a certificate holder. The authority, which § 121.379(a) states, comes from the certificate holder to the maintenance provider through the arrangement for the performance of maintenance.

B. Maintenance Provider's Organization. However, the relationship described in the previous paragraph does not relieve other persons from the regulatory requirement for an organization as stated in § 121.365. Therefore, a person performing maintenance for a certificate holder must have an organization, and the air carrier must base the adequacy of the organization upon the work performed. The certificate holder should provide in its manual how they will determine the adequacy of a maintenance provider's organization. The inspector should verify that persons performing maintenance, preventive maintenance, and alterations for a certificate holder have an organization adequate to perform the work as specified in the certificate holder's manual.

6-1104 PROGRAMS.

A. Requirements. Section 121.367 requires each certificate holder to have an inspection program and a program covering other maintenance, preventive maintenance, and alterations that ensure that:

- The air carrier or other persons perform maintenance, preventive maintenance, and alterations in accordance with the certificate holder's manual;
- Competent personnel and adequate facilities and equipment are provided for the proper performance of maintenance, preventive maintenance, and alterations; and
- Each aircraft released to service is airworthy and the air carrier has properly maintained it for operation under part 121 (refer to § 121.709).

B. Ensuring Compliance. The certificate holder should specify in its manual how it will ensure compliance with its program requirements when using other persons to perform maintenance, preventive maintenance, and alterations. The manual should address how it will ensure compliance with such things as the certificate holder's:

- Work instructions and forms for performing and recording maintenance, preventive maintenance, and alterations;
- Requirements for controlling and using special tools and test equipment;
- Requirements for controlling aircraft parts and materials;
- Requirements for controlling aircraft major repairs and alterations;
- Requirements for controlling hazardous materials (hazmat); and
- Requirements for controlling the use of facilities, ground, and support equipment.

NOTE: There should be no differences in the requirements for the certificate holder and the requirements for other persons performing maintenance for the certificate holder. When a certificate holder adopts the maintenance provider's existing program, or portions thereof, as their own, the maintenance provider's program must meet the certificate holder's requirements. There should be no instance where a lower standard is accepted in order to accommodate the use of another person to perform maintenance.

6-1105 REQUIRED INSPECTIONS.

A. Verification. Verifying the proper performance of required inspections by other persons for the certificate holder is one of the most important aspects of this inspection. Due to the critical nature of the required inspection, it is most important for the inspector to determine that the certificate holder has addressed and incorporated all of the system safety attributes into its manual for required inspections performed by other persons.

B. Inspection Requirements. The inspector should be aware of the different compliance requirements of some of the Required Inspection Items (RII) regulations. For example, § 121.371(a), (b), and (c) specify compliance by a "person." Section 121.369 specifies compliance by the certificate holder. Additionally, there are RII regulations that specify compliance by the certificate holder, but which allow for other persons with whom the certificate

holder arranges for the performance of required inspections to accomplish the requirement, such as § 121.371(d). Regardless of persons required to comply with a regulation, the certificate holder is primarily responsible and must have control over the inspections.

C. Certificate Holder's CAMP and Manual. If a certificate holder chooses to use another person to perform required inspections, it must provide the certificate holder's CAMP and manual to them. The CAMP and manual should address such things as selecting, training, qualifying, and authorizing a maintenance provider's employee to perform RII inspections. There should be no differences in the RII standards for the certificate holder's employees and the RII standards for maintenance provider's employees. The certificate holder should specify in the written arrangement with the maintenance provider the details of the RII authorization and any limitations necessary to ensure that it performs only the authorized RII. The certificate holder should specify in its manual how it will ensure compliance with the following sections in part 121 that relate to other persons:

NOTE: This is only a partial listing of applicable regulations for required inspections.

1) Section 121.365(b). Other persons performing required inspections must have an adequate organization to perform the inspection.

2) Section 121.369(a). The certificate holder must list in its manual other persons with whom it has arranged for the performance of required inspections, including a general description of that work.

3) Section 121.369(b)(3). A designation by occupational title of personnel authorized to perform each required inspection.

4) Section 121.369(b)(8). Instructions and procedures to prevent any decision of a maintenance provider inspector, regarding any required inspection, from persons other than supervisory personnel of the inspection unit (or a person at that level of administrative control that has overall responsibility for the management of both the required inspection functions and the other maintenance, preventive maintenance, and alteration functions), from countermanding it.

5) Section 121.369(b)(9). Procedures to ensure that the inspection personnel properly complete required inspections that are not completed as a result of shift changes or similar work interruptions involving a maintenance provider prior to releasing the aircraft to service.

6) Section 121.371(d). Each certificate holder will maintain, or determine that each person with whom it arranges to perform its required inspections maintains, a current listing of persons with the proper training, qualifications, and authorization to conduct required inspections. The certificate holder must identify the person by name, occupational title, and the inspections that the certificate holder authorized them to perform. The certificate holder (or person with whom it arranges to perform its required inspections) will give written information to each person so authorized, describing the extent of his or her responsibilities, authorities, and

inspection limitations. The certificate holder will make the list available for inspection by the Administrator upon request.

6-1106 CONTINUING ANALYSIS AND SURVEILLANCE SYSTEM (CASS). Section 121.373 requires the certificate holder to establish and maintain a system for the Continuing Analysis and Surveillance System (CASS) of the performance and effectiveness of its inspection program and programs covering other maintenance, preventive maintenance, alterations, and for the correction of any deficiency in those programs, regardless of whether those programs are carried out by the certificate holder or by another person. If the certificate holder chooses to use another person to carry out any part of its inspection and maintenance programs, it must provide for its use in its CAMP and its maintenance manual. Additionally, the certificate holder should specify in its manual how it will comply with the CASS regulatory requirements to audit the performance of maintenance, analyze findings, and correct deficiencies in those programs when others perform those programs. The manual should specify how and what type of data auditors will collect. Additionally, the manual should include how other data, generated during the performance of inspection and maintenance by other persons that might be essential to the certificate holder's CASS such as tear down reports and Service Difficulty Reports (SDR), are obtained and provided to the certificate holder for inclusion in their CASS, as applicable.

6-1107 TRAINING.

A. Training Program. Section 121.375 requires the certificate holder or person performing maintenance or preventive maintenance functions for it to have a training program. If a certificate holder chooses to use the training program of the person performing maintenance or preventive maintenance for it to satisfy regulatory requirements, it should specify in its manual how it will evaluate, qualify, and authorize the use of the other person's training program to ensure that it meets the certificate holder's requirements and standards.

B. Quality of Training. It is important for the inspector to verify that training provided to a maintenance provider (other person), whether provided by the certificate holder or the other person, is consistent with the certificate holder's standard. Training provided to other persons who perform maintenance for the certificate holder should be, at least, equal in the amount, level, and quality as the training provided to the certificate holder's employees by the certificate holder for the same work performed.

C. Valid Training. The inspector should verify that training is current and applicable to both the work authorized by the certificate holder and the work the maintenance provider is performing, especially in cases where the certificate holder has not used the services of a maintenance provider for a period of time and the original training provided to them is out of date.

D. Training Regulations. Part 121 maintenance training regulations are not performance based, which means that they tell the certificate holder what must be done, not how it must be done. FAA policy provides the details necessary for an acceptable training program (see Volume 3, Chapter 24, Section 1, Training Program Evaluation).

6-1108 DUTY TIME LIMITATIONS. Section 121.377 requires that within the United States a certificate holder or person performing maintenance or preventive maintenance functions for the certificate holder relieves each person performing maintenance or preventive maintenance from duty for a period of at least 24 consecutive hours during any 7 consecutive days, or the equivalent thereof within any 1 calendar-month. A certificate holder may accept the contract person's method of controlling duty time limitations. In this case, the certificate holder should have a process in their manual for reviewing, qualifying, and authorizing the use of the other person's method for controlling duty time limitations. Additionally, it is not enough for the certificate holder to just accept the other person's methods for controlling duty time limitations. The certificate holder must state in its manual how it will ensure that the other person's methods will continuously meet the certificate holder's requirements and the requirements of § 121.377. Duty time limitations relate directly to the performance of maintenance and the airworthiness of its aircraft for which the certificate holder has primary responsibility. The certificate holder should specify in its manual how it will review, qualify, authorize, and control other persons to perform this function. There should be no difference in the requirements for the certificate holder and the requirements for persons performing maintenance.

NOTE: Persons performing work for the certificate holder that are self-employed or work for a contract maintenance provider contracted by the certificate holder should be held accountable to the same duty time limitations as the person directly employed by the carrier. If not controlled, the individual could work beyond limitations and become a safety hazard.

6-1109 CERTIFICATE REQUIREMENTS.

A. Appropriate Certificate. Except for maintenance, preventive maintenance, alterations, and required inspections performed by a certificated repair station located outside the United States, § 121.378(a) requires that each person who is directly in charge of maintenance, preventive maintenance, or alterations and each person performing required inspections must hold an appropriate airman certificate.

B. Ensuring Proper Certificates. The certificate holder should specify in its manual how it will ensure that other persons who perform maintenance for it have the proper airman certificate.

6-1110 AIRWORTHINESS RELEASE OR AIRCRAFT LOG ENTRY.

A. Post Maintenance Requirements. Section 121.709 specifies that no certificate holder may operate an aircraft after maintenance, preventive maintenance, or alterations are performed on the aircraft unless the certificate holder or the person with whom the certificate holder arranges for the performance of maintenance prepares or causes the preparation of an airworthiness release or an appropriate entry in the aircraft log. The airworthiness release or log book entry must be prepared in accordance with the procedures set forth in the certificate holder's manual. It must include a certification that:

- The work was performed in accordance with the requirements of the certificate holder's manual;

- An authorized person inspected all items requiring inspection and determined that all work was successfully completed;
- No known condition exists that would make the airplane unairworthy; and
- Concerning the work performed, the aircraft is in condition for safe operation.

B. Signature Requirements. An authorized certificated mechanic or repairman must sign the airworthiness release or the log book entry, except that a certificated repairman may sign the release or entry only for the work for which he is employed and certificated.

NOTE: For the purposes of contract maintenance, it is important to note that § 121.709(b)(3) and part 135, § 135.443(b)(3) outline specific requirements for the persons authorized to sign an airworthiness release or aircraft log entry. As defined in part 1, § 1.1, a person is an individual, firm, partnership, corporation, company, association, joint stock association, or government entity. Thus, a repair station, as a company, qualifies as a “person” defined in § 1.1 and can prepare, or cause to be prepared, an airworthiness release or an appropriate entry in the aircraft log. Such a release or aircraft log entry is limited to the work the repair station is rated to perform and actually performs on an aircraft for certificate holders operating under 14 CFR parts 121, 125, and 135. However, in preparing the airworthiness release or aircraft log entry, the person or, in this instance, the certificated part 145 repair station, must comply with the procedures set forth in the part 121 or 135 certificate holder’s manual for preparing the airworthiness release or aircraft log entry. Because there is no reference to “person” in § 121.709(b) or 135.443(b), the “certificate holder” refers not to the repair station, but the part 121 or 135 certificate holder for whom the repair station is performing maintenance. This provision corresponds to the part 121 and 135 certificate holder’s duty under §§ 121.367 and 135.425 to ensure that not only are competent personnel performing maintenance on their fleets, but that each aircraft released to service is Airworthy.

C. Signature Exceptions. The only exception to the signature requirements is maintenance, preventive maintenance, or alterations performed by a repair station located outside the United States. A person authorized by that repair station may sign the Airworthiness Release Form or Log Book Entry.

D. Regulation Provisions. Instead of restating each of the four conditions of the required certification stated in the regulation, the certificate holder may state in its manual that the signature of an authorized certificated mechanic or repairman constitutes that certification. Most certificate holders choose to use this provision of the regulation. If the certificate holder uses this provision in the rule, the FAA recommends that the inspector verify that another person signing an aircraft log entry is aware of the conditions of certification he or she is signing for and that the certificate holder has authorized the person to sign the log entry.

6-1111 SURVEILLANCE PLANNING.

A. FAA Oversight. Currently, the trend in maintenance outsourcing is significant and underscores the need for effective FAA oversight. It is essential for certificate management

personnel to have verified complete and accurate information on who is performing maintenance, where that person is performing it, the amount and type of maintenance being performed (especially essential maintenance), any scheduled maintenance, and oncall maintenance. A risk based system for oversight of aircraft maintenance, such as SAS, cannot be effective if it does not have complete and accurate information on the certificate holder's contract maintenance.

B. Certificate Management Team (CMT). The CMT should confirm the validity of the list of maintenance providers used by the certificate holder and listed in their manual as required by § 121.369(a). The CMT must ensure that the list represents all providers, domestic or foreign, certificated or noncertificated, frequently or infrequently used. The CMT should give special attention to a certificate holder's use of a noncertificated maintenance provider, especially those providing essential maintenance and any scheduled maintenance. The CMT should ensure that noncertificated maintenance entities have the same level of regulatory safeguards and controls that meet the certificate holder's manual requirements.

6-1112 PRE-INSPECTION. Inspectors should notify the local Flight Standards District Office (FSDO) when inspecting a maintenance provider. If the inspector needs assistance with the inspection, he or she should inform the principal inspector (PI). The PI might consider and find it advantageous to coordinate with the office or region to form a joint team to evaluate a maintenance provider used by a number of certificate holders in the office or region. Before inspecting a maintenance provider, the inspector should:

A. Review. Review the certificate holder's arrangement for the performance of maintenance by the maintenance provider. Verify that it meets the requirements specified in the certificate holder's CAMP and maintenance manual.

B. Contact. Contact the PI, if necessary, prior to the inspection to discuss any questions or current issues associated with the maintenance provider.

C. Contact Information. Obtain contact information for the maintenance provider. If the facility is a certificated repair station, the inspector can obtain a listing of management personnel from the Safety Performance Analysis System (SPAS).

D. Coordinate. If the maintenance provider is the holder of a part 145 repair station certificate, coordinate the inspection with the assigned PI of the repair station.

E. International Travel. If traveling outside the United States, process travel plans in accordance with national and regional policy. Information on international travel guidelines for FAA employees can be found at https://employees.faa.gov/org/staffoffices/apl/international_travel/guidelines. Additional information on the FAA travel policy can be found at <https://employees.faa.gov/org/staffoffices/aba/travel/policy>. The inspector should contact the U.S. Department of State in the early planning stages of the trip. The Web site is <http://www.travel.state.gov>. The ASI should review any travel advisories for the country to which they are traveling. The ASI must address restrictions and must obtain a visa before departure. The FAA recommends a minimum of 30 days.

NOTE: Travel to foreign countries requires a security briefing per the guidance found in the current edition of FAA Order 1600.61, International Travel Security and Contact Reporting Requirements for FAA Employees and Contractors.

F. Foreign Inspections. Information relating to inspecting a certificate holder's maintenance provider located in a foreign country can be found in Volume 12, Chapter 10, International Field Office Procedures for Conducting Sampling Inspections, FAA Independent Inspections, and Participating in Foreign National Aviation Authority's Internal Quality Audits Under a BASA/MIP.

6-1113 TASK OUTCOMES. Follow SAS Guidance 8900.1 Volume 10, Chapter 5.

RESERVED. Paragraphs 6-1114 through 6-1120.